

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 474 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHHABILDAS POPATLAL

Versus

STATE OF GUJARAT

Appearance:

MR SURESH M SHAH for Petitioners

MR VB GHARANIA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/12/96

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioners, by filing this Special Civil Application before this Court have challenged the notification dated 26th April 1976 issued under the provisions of Minimum Wages Act, 1948.

3. The case of the petitioners is that they are not

having cotton pressing or ginning factory nor they are owners or in any manner having any interest in any cotton pressing or ginning factory. The petitioners, for their business are getting cotton pods uncelled by giving labour contract, a work contract on different rate and each petitioner pay those who come to the petitioner for having such contract work at the rate, which may be agreed amongst them on the unit of 20 Kgs. of cotton pods to be uncelled and the rate is atleast Rs.3/- per 20 Kgs. of the cotton pods to be uncelled. The notification dated 26th April 1976, impugned in this Special Civil Application provides for fixation of minimum rates of wages in respect of employment in any cotton ginning or cotton process manufacture in the State of Gujarat. The petitioners are not engaged in any cotton ginning or cotton manufacture and as such this notification is not applicable to them. Even though the notification is not applicable, the respondents are insisting for compliance of the provisions of the notification impugned. Hence this Special Civil Application.

4. The learned counsel for the petitioners contended that the controversy which has arisen in the present case is squarely covered in favour of the petitioners by the decision of this Court in the case of Prakash Textile (Guj.) P. Ltd. & Ors. v. State, reported in XXIII(2) GLR 392. The learned counsel for the respondent Shri V.B. Gharania admitted that the matter in issue is squarely covered in favour of the petitioners by aforesaid decision of this Court.

5. In view of this contention made by the learned counsel for the respondents, the relief which has been prayed by the petitioners in this Special Civil Application has to be granted. In the result, this Special Civil Application is allowed and the relief as prayed for by the petitioners in sub para (b) of para 14 of the petition is granted. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)